

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 4:13 CR 190 - 09
)	
Plaintiff)	
)	
v.)	JUDGE SOLOMON OLIVER, JR.
)	
APRIL POLK,)	ORDER ACCEPTING PLEA
)	AGREEMENT, JUDGMENT AND
Defendant)	REFERRAL TO U. S. PROBATION
)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr., regarding the change of plea hearing of April Polk, which was referred to the Magistrate Judge with the consent of the parties.

On April 10, 2013, the government filed a forty-nine count Indictment, charging Defendant April Polk, with Conspiracy to Possess with Intent to Distribute and to Distribute Heroin in violation of Title 21 United States Code Section 846; and Use of a Telephone to Facilitate Drug Trafficking, in violation of Title 21 United States Code Section 843(b). Defendant Polk was arraigned on April 17, 2013, and entered a plea of not guilty to Counts 1, 40, 46-49 of the Indictment, before Magistrate Judge Nancy A. Vecchiarelli. On October 31, 2013, Magistrate Judge William H. Baughman, Jr., received Defendant Polk's plea of guilty to Count 1 of the Indictment, and issued a Report and Recommendation ("R&R"), concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the fourteen days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Polk is found to be competent to enter a plea and to understand her constitutional rights. She is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Polk is adjudged guilty to Count 1 of the Indictment, in violation of Title 21 United States Code, Section 846, Conspiracy to Possess with Intent to Distribute and to Distribute Heroin. This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on January 30, 2014, at 10:00 a.m., in Courtroom 19-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.

CHIEF JUDGE

UNITED STATES DISTRICT COURT

November 21, 2013